

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITHREE INVESTMENT CORP.

Plaintiff,

-against-

SEIU, LOCAL 32BJ,

Defendant.
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07 CIV 4788 (RJS)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT AND
AND TO VACATE DEFAULT**

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law of in Support of its Motions for Summary Judgment and to Vacate Default, Local Rule 56.1 Statement of Undisputed Material Facts, and Affidavit of Judith I. Padow, Esq. and Exhibits attached thereto, Defendant Service Employee's International Union, Local 32BJ, by its attorneys, shall, at 4:00 p.m. on December 17, 2007, or as soon thereafter as the matter may be heard, move for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing the Plaintiff's complaint and compelling Plaintiff to arbitrate, and for an Order pursuant to Rule 60 of the Federal Rules of Civil Procedure vacating a default judgment issued by the New York State Supreme Court.

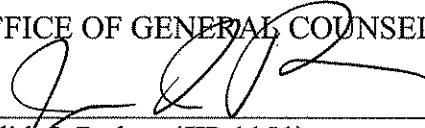
PLEASE TAKE FURTHER NOTICE that any responsive papers are to be served on Defendant on or before November 14, 2007; and

PLEASE TAKE FURTHER NOTICE that any reply papers are to be served on Plaintiff on or before November 30, 2007; and

Dated: October 11, 2007
New York, New York

Respectfully Submitted,

OFFICE OF GENERAL COUNSEL



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